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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/785,669	02/24/2004	Rodney S. Haaland	MP-297D	2691
7590 08/30/2006			EXAMINER	
Edward J. Timmer P.O. Box 770 Richland, MI 49083-0770			VO, HAI	
			ART UNIT	PAPER NUMBER
			1771	
DATE MAILED: 08/30/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.



## Office Action Summary

**Application No.**

10/785,669

**Applicant(s)**

HAALAND, RODNEY S.

**Examiner**

Hai Vo

**Art Unit**

1771

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 23 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 12-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 12-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 0607.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_



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1. The amendment to specification filed 03/23/2006 is entered.

***Election/Restrictions***

2. The restriction requirement is considered moot in view of the cancellation of non-elected claims 1-11.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 12-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Tran et al (US 5,536,562). Tran teaches a sintered porous ceramic article having the pores impregnated with PMMA resin which is crosslinked (tables 1 and 2, column 8, lines 60-67, and claim 1). Note that it has been held that a recitation with respect to the manner in which a claimed fired porous ceramic core is intended to be employed does not differentiate the claimed fired porous ceramic core from a prior art impregnated ceramic article satisfying the claimed structural limitations. *Ex parte Masham*, 2 USPQ2d 1647 (1987). Accordingly, Tran anticipates the claimed subject matter.
5. Claims 12, 13 and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Krug (US 5,460,854). Krug teaches an impregnated ceramic core having a fired porous ceramic core having the pores impregnated with polyacrylic acid (column 2, lines 49-50). Since Krug and Applicant are using the same acrylic polymer to fill the



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pores of the core, it is not seen that the acrylic polymer would not be a water-insoluble. The polymer is present in an amount of 0.25 to 1.3% by weight (column 4, lines 29-31). Accordingly, Krug anticipates the claimed subject matter.

6. Claims 12-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Kiniwa et al (US 5,173,421). Kiniwa teaches a cell culture carrier comprising a ceramic foam having pores filled with a cross-linked acrylic polymer (examples 9 and 10, abstract). The polymer is present in an amount of 4.2% by weight. Tani (US 2005/0020431) evidences the ceramic foam as a commercial product of Bridgestone Corporation is a fired, porous ceramic foam (paragraph no. 3). Note that it has been held that a recitation with respect to the manner in which a claimed fired porous ceramic core is intended to be employed does not differentiate the claimed fired porous ceramic core from a prior art cell culture carrier satisfying the claimed structural limitations. *Ex parte Masham*, 2 USPQ2d 1647 (1987). Accordingly, Kiniwa anticipates the claimed subject matter.

### **Conclusion**

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hai Vo whose telephone number is (571) 272-1485. The examiner can normally be reached on Monday through Thursday, from 9:00 to 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on (571) 272-1478. The fax



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phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

HV



**HAI VO**  
**PRIMARY EXAMINER**